

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PHILADELPHIA INDEMNITY INSURANCE )  
COMPANY, )

Plaintiff, )

vs. )

MARSHALL'S ELECTRIC, INC., et al., )

Defendants. )

No. 3:16-cv-0185-HRH

ORDER

Motion for Summary Judgment

Plaintiff moves pursuant to Rule 56, Federal Rules of Civil Procedure, for summary judgment in favor of plaintiff and against defendants Brandon D. Marshall and Monika K. Marshall.<sup>1</sup> The motion is unopposed.

The court finds that Brandon Marshall and Monika Marshall executed a general indemnity agreement in favor of plaintiff by which they undertook to indemnify and hold plaintiff harmless in connection with performance and payment bonds, construction contractor bonds, fringe benefit bonds, and union welfare bonds issued by plaintiff to Marshall's Electric, Inc., as principal. The court finds that as of June 1, 2017, plaintiff had paid claims and judgments against Marshall's Electric, Inc., in the amount of \$416,510.47 as a consequence of the issuance of bonds in favor of Marshall's Electric, Inc.

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<sup>1</sup>Docket No. 28.

The court finds that Brandon D. Marshall and Monika K. Marshall have failed, refused, and neglected to indemnify plaintiff.

The court concludes that plaintiff is entitled to summary judgment against Brandon D. Marshall and Monika K. Marshall, jointly and severally, in the sum of \$416,510.47, together with prejudgment interest in the amount of \$14,610.89, through May 31, 2017, plus additional daily interest of \$48.50, beginning June 1, 2017, through the date upon which judgment is entered by the clerk. The summary judgment shall continue to bear interest at the rate of \$48.50 per day from the date of entry of judgment until paid. The clerk of court shall enter judgment accordingly.

The court understands that plaintiff is exposed to an additional contingent liability for costs and attorney fees in connection with SolstenXP Electric and Telcom, LLC v. Philadelphia Indemnity Insurance Co., No. 3AN-14-05552CI. The court finds that all four individual defendants are liable to indemnify plaintiff for costs and attorney fees which may be awarded in the SolstenXP litigation, and the court will entertain plaintiff's application to modify judgments entered in this case if, in the SolstenXP litigation, costs and attorney fees in excess of sums already paid by plaintiff are imposed by the superior court.

The court will take up plaintiff's motion for attorney fees when the SolstenXP matter is finalized.

DATED at Anchorage, Alaska, this 11th day of August, 2017.

/s/ H. Russel Holland  
United States District Judge